IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In the Matter of the Complaint of Tamara)	CIVIL NO. 1-15-cv-03230
Sopka, Independent Administrator of the)	
Estate of Orest Sopka, Deceased, and Axess)	MOTION TO ADOPT AND JOIN
Holding Company, LLC as Owners of a)	MOTION TO DISMISS
2012 Rinker 310 Express motor vessel)	
"AXESS" for Exoneration from or)	
Limitation of Liability)	
)	

MOTION TO ADOPT AND JOIN MOTION TO DISMISS

NOW COMES Respondent Sharon Haws, as Independent Administrator of the Estate of Ashley Haws, Deceased ("Haws"), by and through her attorneys, Rolewick & Gutzke, P.C., and hereby moves this Honorable Court to join in and adopt the Motion to Dismiss previously filed by Respondent Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased ("Blenner"). In support of this Motion, Haws states as follows:

- 1. On April 13, 2015, Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axess Holding Company, LLC filed their Petition for Exoneration From or Limitation of Liability under the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.* (the "Act") (Document No. 1).
- 2. On August 6, 2015, Blenner filed her Motion to Dismiss the Petition of Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axess Holding Company, LLC under Rule 12(b)(6) (Document Nos. 25-27) Generally, Blenner's Motion to Dismiss asserts that Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axess Holding Company, LLC failed to state a cause of action upon which relief

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may be granted because the Act applies to "owners" of vessels, and Orest Sopka was not an

"owner" of the AXESS.

3. The bases for dismissal raised by Blenner in her Motion also apply to Haws.

4. The interests of judicial economy would be best-served by an order from this

Court permitting Haws to adopt and join the Motion to Dismiss, including the Memorandum of

Law, already filed by Blenner, rather than file a separate, substantially similar Motion.

WHEREFORE Respondent Sharon Haws, as Independent Administrator of the Estate of

Ashley Haws, Deceased, respectfully requests that this Court grant her leave to adopt and join

the Motion to Dismiss, including the Memorandum of Law, previously filed by Peggy M.

Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased.

ROLEWICK & GUTZKE, P.C.

BY:

/s/ Timothy J. Mahoney

Timothy J. Mahoney

David F. Rolewick (ID No. 2368641)

Timothy J. Mahoney (ID No. 6197486)

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